Supreme Court, U. S.
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MICHAEL RODAK, JR., CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1973

No. 73-1018

UNITED STATES OF AMERICA,
Petitioner,

v

MARTIN DeWALT MAZURIE, Et Al.,
Respondents.

ON A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

MOTION TO DISMISS

WRIT OF CERTIORARI AND APPEAL

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Attorney for Respondents
(On the Brief)

State of Wyoming
Amicus Curiae

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The respondents, Martin Dewalt Mazurie, et al., move the Court to dismiss the writ of certiorari and appeal herein.

1. On December 28, 1973, the petitioner, United States of America, filed a petition for certiorari to the United States Court of Appeals for the Tenth Circuit in the United States Supreme Court, which petition was filed out of time under the provisions of Rule 22 of the Rules of the Supreme Court.

2. The petition for certiorari was granted on February 25, 1974, and pursuant to Rule 41 of the Rules of the Supreme Court the petitioner's brief on the merits was due for filing with the Court on April 11, 1974.

3. On April 10, 1974 petitioner requested an extension of time within which to file its brief on the merits. Under Rule 34(5) of the Rules of the Supreme Court, an extension of time to and including May 11, 1974 was granted on April 11, 1974.

4. A second and final extension, as requested by the petitioner, was granted by the Court allowing the filing of briefs no later than June 10, 1974.

5. The petitioner has failed to file its brief within the time allowed under Rule 41 of the Rules of the Supreme Court as extended two times under Rule 34 of the Rules of the Supreme Court.

6. The petitioner made no application to extend the time for filing beyond June 10, 1974. The time allowed for making such application expired on June 10, 1974.

7. The continued failure of the petitioner to file a timely brief is unexcusable and warrants dismissal of the writ of certiorari entered herein on February 25, 1974.

DATED this 1st day of July, 1974.

Respectfully submitted.

CHARLES E. HAMILTON
Attorney for Respondents

JOHN R. HURSH
(On the Brief for Respondents)

State of Wyoming
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